

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

Marquis Aurbach Coffing

Craig R. Anderson, Esq.

Nevada Bar No. 6882

10001 Park Run Drive

Las Vegas, Nevada 89145

Telephone: (702) 382-0711

Facsimile: (702) 382-5816

canderson@maclaw.com

Attorneys for Defendants LVMPD, Ofc. Fryman, Ofc. Emerton, Ofc. Ferguson and Ofc. Locher

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JEANNE LLERA and JORGE L. GOMEZ,
as the appointed co-special administrators of
the estate of JORGE A. GOMEZ; JEANNE
LLERA and JORGE L. GOMEZ,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; RYAN FRYMAN; DAN
EMERTON; VERNON FERGUSON;
ANDREW LOCHER; JOHN SQUEO and
DOES 2-10, inclusive,

Defendants.

Case Number:

2:20-cv-01589-RFB-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY**

(SECOND REQUEST)

Pursuant to LR 6-1 and LR 26-4, Plaintiffs, by and through their counsel of record, Eric Valenzuela, Esq., of Law Offices of Dale K. Galipo; Defendants LVMPD, Ofc. Fryman, Ofc. Emerton, Ofc. Ferguson and Ofc. Locher ("LVMPD Defendants"), by and through their counsel of record, Craig R. Anderson, Esq., of Marquis Aurbach; and Defendant Officer John Squeo ("Defendant Squeo"), by and through his counsel of record, Daniel R. McNutt, Esq. of McNutt Law Firm, P.C., hereby stipulate and request that this Court extend discovery deadlines in the above-captioned matter ninety (90) days, up to and including September 30, 2021. In support of this stipulation and request, the parties state as follows:

1 **I. PROCEDURAL HISTORY**

2 1. On August 29, 2020, the Plaintiffs filed their Complaint. ECF No. 1.

3 2. On October 1, 2020, the LVMPD Defendants filed their Answer to Plaintiffs'
4 Complaint. ECF No. 11.

5 3. On November 20, 2020, this Court entered the Discovery Plan and
6 Scheduling Order. ECF No. 14.

7 4. At the end of December 2020, LVMPD completed its internal investigation
8 into the subject incident and released its internal documents to defense counsel.

9 5. On February 17, 2021, Plaintiffs filed their First Amended Complaint in this
10 matter. ECF No. 21. The First Amended Complaint named a new defendant – John Squeo.

11 6. On March 3, 2021, Defendants LVMPD, Fryman, Emerton, Ferguson and
12 Locher filed their Answer to Plaintiffs' First Amended Complaint. ECF No. 25.

13 7. On March 17, 2021, new Defendant John Squeo filed his Answer to
14 Plaintiffs' First Amended Complaint. ECF No. 29. Defendant Squeo is represented by new
15 counsel and this Answer marked his first appearance in this litigation.

16 **II. DISCOVERY COMPLETED TO DATE**

17 1. The original parties participated in the FRCP 26 conference on November 13,
18 2020. Defendant Squeo did not participate as he was not named a defendant.

19 2. The parties agreed to stipulate to extend the time to serve Rule 26 disclosures
20 until after LVMPD had completed its internal criminal investigation into the subject event
21 and released its internal documents to defense counsel.

22 3. On November 20, 2020, the Court entered the Discovery Plan and Scheduling
23 Order. ECF No. 14.

24 4. On January 5, 2021, the Plaintiffs served their Initial Disclosures of
25 Witnesses and Documents pursuant to FRCP 26.

26 5. On January 5, 2021, the LVMPD Defendants served their Initial Disclosures
27 of Witnesses and Documents pursuant to FRCP 26.
28

1 6. On January 5, 2021, the LVMPD Defendants served written discovery on all
2 named Plaintiffs.

3 7. On January 6, 2021, the Plaintiffs served requests for production of
4 documents on Defendant LVMPD.

5 8. On March 5, 2021, Plaintiffs served their responses to the LVMPD
6 Defendants' discovery requests.

7 9. On March 15, 2021, LVMPD served their individual responses to Plaintiffs'
8 written discovery.

9 10. On March 15, 2021 LVMPD supplemented their initial disclosure statement
10 with numerous new exhibits and tangible items.

11 11. On March 17, 2021, John Squeo served a demand for all prior discovery
12 exchanged.

13 12. On March 29, 2021, Plaintiffs served requests for production of documents
14 on Defendant Squeo.

15 13. The parties had scheduled several depositions (including party depositions)
16 for the month of March 2021. However, the inclusion of Defendant Squeo into the action
17 required these depositions be rescheduled so that Defendant Squeo's attorneys could get up
18 to speed.

19 14. The parties have scheduled several party and witness depositions for the
20 month of April 2021.

21 15. All parties have retained expert witnesses in this matter.

22 16. All parties have served numerous subpoenas on various third parties.

23 **III. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

24 This case involves the June 1, 2020, fatal officer involved shooting of Jorge A.
25 Gomez, Jr. The Plaintiffs filed their Complaint less-than two months after the subject
26 incident. At the time of the Plaintiffs' filing, the LVMPD Defendants had not yet completed
27 their internal review. As explained in the parties' first request to extend discovery,
28 discovery was initially stalled due to the fact LVMPD was completing its internal

1 investigations and, due to the investigation, the case file was not ready for disclosure. Once
 2 all internal investigations were completed, the original parties immediately began fact
 3 discovery in this matter. The fact discovery led the Plaintiffs to move to amend their
 4 complaint to name Defendant Squeo. The LVMPD Defendants stipulated to the filing of the
 5 Amended Complaint. After the filing of the Amended Complaint, the parties learned the
 6 identity of Defendant Squeo's counsel and immediately provided all prior discovery. As a
 7 result, the parties have been able to schedule depositions for the month of April 2021.

8 The main reason for the discovery extension is necessary is allow each parties'
 9 experts to have necessary depositions and other discovery available.. The current expert
 10 deadline is April 29, 2021. It will likely take sixty-days to complete all party and fact
 11 depositions. Therefore, the extension is necessary so that the parties' initial expert
 12 disclosure will be complete. Further, the extension will give Defendant Squeo a fair chance
 13 to prepare his defenses in this case.

14 **IV. REMAINING DISCOVERY**

- 15 1. The Plaintiffs need to take the depositions of the defendant officers.
- 16 2. The LVMPD Defendants need to take the depositions of the Plaintiffs.
- 17 3. Both parties intend to take the depositions of several percipient witnesses.
- 18 4. Both parties need to respond to the other parties' written discovery.
- 19 5. Both parties need to disclose their expert witness reports.
- 20 6. After the disclosure of expert witness reports, both parties intend to take the
 21 depositions of the expert witnesses.

22 **V. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND** 23 **SCHEDULING ORDER**

24 LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling
 25 Order. Any stipulation or motion must be made no later than twenty-one (21) days before
 26 the expiration of the subject deadline, and comply fully with LR 26-4. The parties are
 27 submitting this request twenty-one (21) days before the expert deadline disclosure.
 28 Therefore, the parties respectfully request that the modification of a scheduling order be

granted. The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Expert Disclosures Pursuant to FRCP 26(a)(2)	April 29, 2021	July 29, 2021
Rebuttal Expert Disclosures Pursuant to FRCP 26(a)(2)	May 28, 2021	August 30, 2021
Dispositive Motion	July 29, 2021	October 29, 2021
Discovery Cut-Off	June 30, 2021	September 30, 2021
Joint Pre-Trial Order	August 30, 2021	November 30, 2021 (if dispositive motions are filed the deadline for filing the joint pre-trial order will be suspended until 30 days after a decision on the dispositive motions or further court order)

This request for extensions of time is not sought for any improper purpose or for purposes of delay. Because the Complaint was filed so close to the date of the event, LVMPD had not completed its internal investigation and the parties were not privy to the documents necessary to properly discover this case. All documents have now been received and disclosed except for the hours of body worn camera recordings, video surveillance recordings, and audio recordings. Despite not having the necessary documents, the parties have still worked diligently at beginning discovery by serving written discovery, retaining experts, and working towards setting deposition dates. Therefore, the parties respectfully submit that the reasons set forth above constitute compelling reasons for the discovery extension.

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1 WHEREFORE, the parties respectfully request that this court extend the discovery
2 dates as outlined in accordance with the table above.

3 IT IS SO STIPULATED this 31st day of March, 2021.

4 MARQUIS AURBACH COFFING

LAW OFFICES OF DALE K. GALIPO

5 By: s/Craig R. Anderson

By: s/Eric Valenzuela

6 Craig R. Anderson, Esq.
7 Nevada Bar No. 6882
8 10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney for LVMPD Defendants

Eric Valenzuela, Esq.
CA Bar No. 284500 (Pro Hac Vice)
21800 Burbank Boulevard, Suite 310
Woodland Hills, California 91367
Attorneys for Plaintiffs

9 MCNUTT LAW FIRM

10
11 By: s/Daniel R. McNutt

12 Daniel R. McNutt, Esq.
13 Nevada Bar No. 7815
625 South Eighth Street
Las Vegas, Nevada 89101
14 Attorney for Defendant Squeo

15 **ORDER**

16 **IT IS SO ORDERED**

17 **DATED:** 2:11 pm, April 02, 2021

18 

19 **BRENDA WEKSLER**
20 **UNITED STATES MAGISTRATE JUDGE**
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